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SHEILA BABOT

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SHEILA BABOT,

PLAINTIFF,

vs.

EQUILON ENTERPRISES LLC DBA  
SHELL OIL PRODUCTS US,

DEFENDANT.

Case No.:

**COMPLAINT FOR DAMAGES  
DEMAND FOR JURY TRIAL**

COMES NOW PLAINTIFF SHEILA BABOT for causes of action, and  
alleges as follows:

**I. NATURE OF THE CASE**

1  
2 1. This action is brought by PLAINTIFF SHEILA BABOT ("BABOT" or  
3 "PLAINTIFF"), a former employee of DEFENDANT EQUILON ENTERPRISES LLC  
4 DBA SHELL OIL PRODUCTS US ("SHELL" or "DEFENDANT"), for sex-based  
5 harassment, sex discrimination, failure to take reasonable steps to prevent  
6 discrimination and harassment, and retaliation in violation of California's Fair  
7 Employment and Housing Act ("FEHA") as well as retaliation in violation of  
8 California's Labor Code and the public policy of the state of California.

9 2. BABOT worked at SHELL as a refinery process operator. During  
10 her tenure, she was subjected to a male-dominated, sexist work  
11 environment, and discriminated against and harassed because of her gender.  
12 BABOT observed male employees watching pornography on their phones and  
13 laptops. Female employees were told to stay inside and cook for the male  
14 employees. BABOT was told that she should "send us pictures of her tits" and  
15 "give us all blow jobs." She was told that, if anything dripped on her, she  
16 would have to shower naked in front of her co-workers, which was not true.

17 3. BABOT's supervisor observed this sexist behavior but did nothing  
18 to stop it or correct the situation, so it continued. On or around October 15,  
19 2016, BABOT reported her concerns about this sexist behavior and hostile  
20 work environment to her supervisor, who said he could not do anything about  
21 it. Less than two weeks later, SHELL terminated BABOT's employment,  
22 despite the fact that she performed well at all times.

**II. PARTIES**

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24 4. At all relevant times herein, PLAINTIFF worked for SHELL in  
25 Contra Costa County in the State of California. PLAINTIFF resides in  
26 California.

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**V. FACTUAL ALLEGATIONS**

11. BABOT began working for SHELL on January 4, 2016 as a refinery process operator. She was part of a new hire class of 22 people, 4 of whom were women.

12. BABOT performed well during training. According to her performance reviews, BABOT "display[ed] a good understanding of safety rules and regulations from her years in the military," was "very attentive and ask[ed] questions when needed," had a "learners attitude," and was a "good team player." BABOT's supervisor remarked that by the end of March 2016, BABOT had completed her training tasks with limited supervision and was performing "above expectation."

13. In April of 2016, as her classroom-based training was drawing to a close, BABOT was to complete a required walk-through, in which she (as well as the other trainees) walked through the plant with the department manager, answering questions about the refinery's systems and operations. During the walk through, a supervisor told BABOT that she did a good job overall and performed "really well" on "Regen," a process by which an operator exchanges and cleans the catalysts inside each reactor.

14. A few days later, BABOT took a final written test, on which she also scored well.

15. After BABOT completed the final walk-through and the written test, she, like all new hires, had to spend several days working directly with a process operator in order to be considered qualified. BABOT completed her training with the qualified operators, each of whom signed off on her parallel training checklist, making her a qualified operator.

16. Thereafter, BABOT was assigned to the distilling and hydroprocessing (D&H) unit, where she reported to team leader Buster Metcalf.

1        17. Throughout her employment at SHELL, BABOT was subjected to  
2 a male-dominated, sexist, hostile work environment.

3        18. BABOT observed male employees watching pornography on their  
4 phones and laptops almost every morning when she reported to work. Female  
5 employees were told to stay inside the unit and cook for the male employees.  
6 During the spring of 2016, Mr. Metcalf told BABOT to order a new coffee  
7 machine for the kitchen, which was not a part of her job responsibilities.  
8 BABOT did not observe Mr. Metcalf assigning similar tasks to male employees.  
9 BABOT was also told that male employees in the D&H unit would have get  
10 together outside of work, such as pizza parties and golfing, but BABOT was  
11 never invited to these activities. BABOT often ate lunch in a separate room  
12 or in the women's bathroom to avoid the sexist environment at SHELL.

13        19. BABOT worked hard during the training period and was a very  
14 safety-conscious employee. In contrast, her male co-workers often slept on  
15 the job or socialized in the blast resistant module trailer, while she worked  
16 outside on the unit. BABOT's manager showed her a video of himself and  
17 other male operators horsing around with each other, racing bicycles around  
18 the unit, which was a safety hazard. A male operator was nicknamed "life  
19 alert" because he often made mistakes, was late to work, or fell asleep in the  
20 unit. He even wrote in his shift report that he "didn't do shit."

21        20. BABOT was also subjected to demeaning, sexist comments by her  
22 coworker, Rick Duff. During the training period, Mr. Duff denigrated BABOT  
23 and other female employees every day, telling them they didn't know what  
24 they were doing and commenting on their appearance. In April of 2016, Mr.  
25 Duff told BABOT that if anything drips on her, she was required to take off  
26 her clothes and go into the safety shower naked in front of her coworkers,  
27 which was not true. This comment was humiliating and offensive to BABOT.  
28 BABOT heard that Mr. Duff made statements about her in the locker room,



1 such as "tell Sheila to send us pictures of her tits" and "is Sheila going to give  
2 us all massages when she comes to team 2?" and "too bad Sheila's married,  
3 maybe she'd give us all blow jobs." Mr. Duff made vulgar remarks about other  
4 female operators' "tits" and told a female operator that it "Looks like your bra  
5 is too tight." Mr. Duff also made comments over the radio about his penis  
6 size on a weekly basis, which made BABOT uncomfortable. Mr. Duff wrote  
7 "Rick's Sausage Shack" in large permanent marker on a storage shed.  
8 Employees and managers frequently accessed this shed, as it contained  
9 important refinery tools and equipment. At the time of BABOT's termination,  
10 "Rick's Sausage Shack" was still displayed on the shed.

11 21. Throughout the summer of 2016, Elzen Wilson was BABOT's  
12 supervisor. Mr. Wilson observed Mr. Duff's inappropriate behavior toward  
13 women and overheard many of his vulgar comments. On or around October  
14 15, 2016, BABOT asked Mr. Wilson why Mr. Duff was able to set the tone and  
15 treat women the way he does. Mr. Wilson responded that he didn't know, but  
16 that his hands were tied and he could not do anything about it.

17 22. Shortly thereafter, on October 28, 2016, SHELL terminated  
18 BABOT's employment, allegedly for "unsatisfactory performance during the  
19 probationary period."

20 23. SHELL engaged in a pattern and practice of discrimination. Upon  
21 information and belief, female refinery process operators were less likely than  
22 male refinery process operators to pass probation.

23 24. DEFENDANT's actions were undertaken for improper purposes as  
24 alleged above and were willful, oppressive and in conscious disregard of  
25 BABOT's rights, and were designed and intended to cause and did, in fact,  
26 cause and continue to cause BABOT to suffer severe emotional distress, pain  
27 and suffering, and substantial economic damage and, therefore, justify the  
28 awarding of exemplary and punitive damages.

**VI. CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(Harassment Because of Sex and/or Gender in Violation of FEHA)**

25. PLAINTIFF re-alleges and incorporates by reference each paragraph previously alleged in the Complaint as if fully set forth herein.

26. DEFENDANT is an employer within the meaning of FEHA.

27. PLAINTIFF was an employee of DEFENDANT.

28. PLAINTIFF was subjected to unwanted harassing conduct and a hostile work environment because of her sex and/or gender.

29. The harassing conduct was severe or pervasive.

30. A reasonable woman in PLAINTIFF's circumstances would have considered the work environment to be hostile or abusive.

31. PLAINTIFF considered the work environment to be hostile or abusive.

32. DEFENDANT is liable for the harassment because a supervisor with actual or reasonably perceived authority over PLAINTIFF engaged in the conduct and/or DEFENDANT, or its agents or supervisors, knew or should have known of the conduct and failed to take immediate and corrective action.

33. PLAINTIFF was harmed.

34. The harassing conduct was a substantial factor in causing PLAINTIFF harm.

**SECOND CAUSE OF ACTION**

**(Failure to Prevent Harassment and Discrimination)**

35. PLAINTIFF re-alleges and incorporates by reference each paragraph previously alleged in the Complaint as if fully set forth herein.

36. DEFENDANT is an employer within the meaning of FEHA.

37. PLAINTIFF was an employee of the DEFENDANT.

1 38. PLAINTIFF was subject to discrimination, harassment, and a  
2 hostile work environment because of her sex and/or gender and/or in  
3 retaliation for opposing the DEFENDANT's unlawful discriminatory practices.

4 39. DEFENDANT failed to take reasonable steps necessary to prevent  
5 the discrimination, harassment, and retaliation.

6 40. PLAINTIFF was harmed.

7 41. DEFENDANT's failure to take reasonable steps to prevent the  
8 discrimination, harassment, and retaliation was a substantial factor in causing  
9 PLAINTIFF's harm.

10 **THIRD CAUSE OF ACTION**

11 **(Sex Discrimination in Violation of FEHA)**

12 42. PLAINTIFF re-alleges and incorporates by reference each  
13 paragraph previously alleged in the Complaint as if fully set forth herein.

14 43. DEFENDANT is an employer within the meaning of FEHA.

15 44. PLAINTIFF was an employee of DEFENDANT.

16 45. DEFENDANT harassed PLAINTIFF and terminated her.

17 46. PLAINTIFF's sex was a substantial motivating reason for the  
18 DEFENDANT's adverse employment actions.

19 47. PLAINTIFF was harmed.

20 48. DEFENDANT's conduct was a substantial factor in causing  
21 PLAINTIFF's harm.

22 **FOURTH CAUSE OF ACTION**

23 **(Retaliation in Violation of FEHA)**

24 49. PLAINTIFF re-alleges and incorporates by reference each  
25 paragraph previously alleged in the Complaint as if fully set forth herein.

26 50. DEFENDANT is an employer within the meaning of FEHA.

27 51. PLAINTIFF was an employee of DEFENDANT.

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1 52. PLAINTIFF engaged in protected activity when she complained of  
2 sexual harassment, a hostile work environment, and sex discrimination.

3 53. DEFENDANT terminated PLAINTIFF.

4 54. PLAINTIFF's complaint of sexual harassment, a hostile work  
5 environment, and sex discrimination was a substantial motivating reason for  
6 the DEFENDANT's adverse employment action.

7 55. PLAINTIFF was harmed.

8 56. DEFENDANT's conduct was a substantial factor in causing  
9 PLAINTIFF harm.

10 **FIFTH CAUSE OF ACTION**

11 **(Violation of Labor Code § 1102.5)**

12 57. PLAINTIFF re-alleges and incorporates by reference each  
13 paragraph previously alleged in the Complaint as if fully set forth herein.

14 58. PLAINTIFF was an employee of DEFENDANT.

15 59. PLAINTIFF disclosed information that she had reasonable cause  
16 to believe disclosed a violation of, or noncompliance with, federal, state, and  
17 local statutes and regulations to a person with authority over her.

18 60. PLAINTIFF refused to work under conditions that would result in  
19 a violation or noncompliance with a state or federal statute or regulation.

20 61. DEFENDANT discharged PLAINTIFF.

21 62. PLAINTIFF's disclosure of information and/or PLAINTIFF's refusal  
22 to work under conditions that would result in violation or noncompliance with  
23 applicable laws or regulations was a motivating reason for the discharge or  
24 other adverse actions.

25 63. PLAINTIFF was harmed.

26 64. DEFENDANT's conduct was a substantial factor in causing  
27 PLAINTIFF harm.

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**SIXTH CAUSE OF ACTION**

**(Wrongful Termination in Violation of Public Policy)**

65. PLAINTIFF re-alleges and incorporates by reference each paragraph previously alleged in the Complaint as if fully set forth herein.

66. PLAINTIFF was an employee of DEFENDANT.

67. DEFENDANT terminated PLAINTIFF.

68. Said termination violated fundamental public policies as set forth in FEHA and the California Labor Code, including but not limited to Labor Code §§ 1102.5 and 6300 et seq.

69. The termination harmed PLAINTIFF.

**SEVENTH CAUSE OF ACTION**

**(Intentional Infliction of Emotional Distress)**

70. DEFENDANT's conduct was outrageous.

71. DEFENDANT intended to cause PLAINTIFF emotional distress or acted with reckless disregard of the probability that PLAINTIFF would suffer emotional distress.

72. PLAINTIFF suffered severe emotional distress.

73. DEFENDANT's conduct was a substantial factor in causing PLAINTIFF's severe emotional distress.

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**VII. PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF seeks, to the extent allowed by law, economic damages, non-economic damages for pain, suffering and emotional distress, exemplary damages, injunctive relief, legal interest, statutory attorney's fees, expert witness fees, and costs of suit. PLAINTIFF also seeks such other relief as the court deems just.

DATED: July 27, 2018

MINNIS & SMALLETS LLP


by:   
SONYA L. SMALLETS, ESQ.  
Attorneys for Plaintiff  
SHEILA BABOT

**JURY TRIAL DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PLAINTIFF demands a trial by jury in this action of all issues triable.

DATED: July 27, 2018

MINNIS & SMALLETS LLP

by:   
SONYA L. SMALLETS, ESQ.  
Attorneys for Plaintiff  
SHEILA BABOT



**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Babot, Sheila

(b) County of Residence of First Listed Plaintiff Solano  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
Sonya L. Smallets, Esq., Minnis & Smallets LLP  
369 Pine St., Ste. 500, S.F., CA 94104 (415) 551-0885**DEFENDANTS**

Equilon Enterprises LLC DBA Shell Oil Products US

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question  
(U.S. Government Not a Party)
- 2 U.S. Government Defendant ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	<b>LABOR</b>	<b>PROPERTY RIGHTS</b>	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	<b>SOCIAL SECURITY</b>	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	<b>IMMIGRATION</b>	862 Black Lung (923)	490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury—Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	850 Securities/Commodities/Exchange
196 Franchise	<b>CIVIL RIGHTS</b>	465 Other Immigration Actions	864 SSID Title XVI	890 Other Statutory Actions
<b>REAL PROPERTY</b>	440 Other Civil Rights		865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	<input checked="" type="checkbox"/> 442 Employment		<b>FEDERAL TAX SUITS</b>	893 Environmental Matters
220 Foreclosure	443 Housing/Accommodations		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
230 Rent Lease & Ejectment	445 Amer. w/Disabilities—Employment		871 IRS—Third Party 26 USC § 7609	896 Arbitration
240 Torts to Land	446 Amer. w/Disabilities—Other			899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	448 Education			950 Constitutionality of State Statutes
290 All Other Real Property	<b>PRISONER PETITIONS</b>			
	463 Alien Detainee			
	510 Motions to Vacate Sentence			
	530 General			
	535 Death Penalty			
	<b>OTHER</b>			
	540 Mandamus & Other			
	550 Civil Rights			
	555 Prison Condition			
	560 Civil Detainee—Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Direct File

**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332

Brief description of cause:

Sex discrimination, sex harassment, and retaliation in employment.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**(Place an "X" in One Box Only) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE 07/27/2018

SIGNATURE OF ATTORNEY OF RECORD

Sonya Smallets